

Creating a College for the Future

No. 4

SEPTEMBER 2005

Update to IPIC Members

*Dear Members,
Since the last newsletter, we've been busy working on the **Regulations and Bylaws** for the College. We'd like to hear your comments and questions on all of the documents posted on IPIC's website. It goes without saying that the Committee's work on the College will benefit greatly by considering and addressing the matters you raise to ensure fair representation for all our members. The deadline is September 26. I know that's short notice, but on October 2-3, the Privilege and Self-Governance Committee and members of IPIC Council are meeting federal officials to work on the proposal that CIPO will move through the government approval process.*

Thank you for helping us build a College that will represent and reflect your professional values.

*Steven Garland
President*

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IPIC

Gaining Momentum...

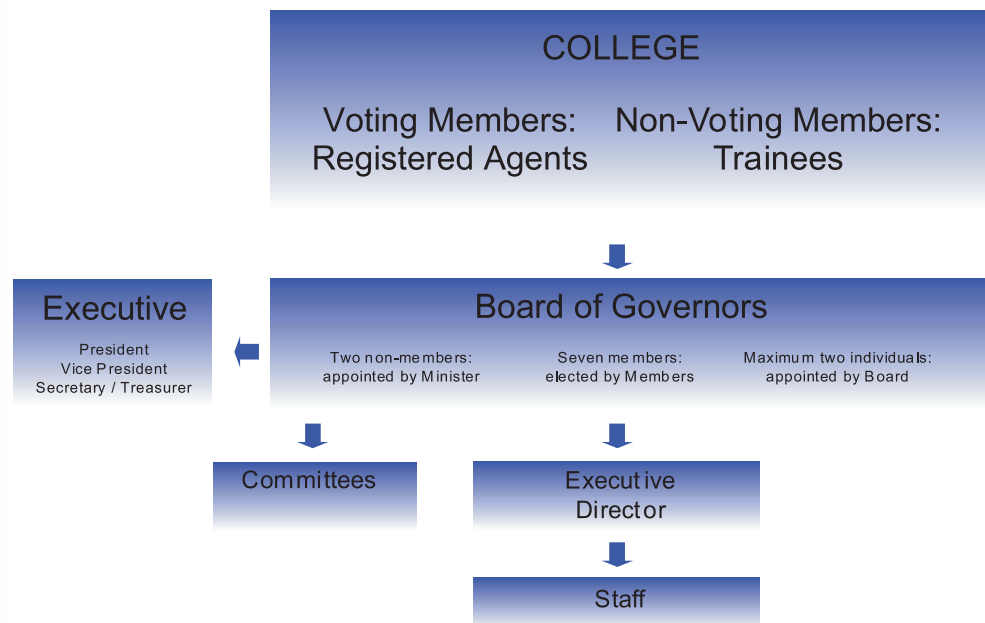
The component parts of the legislation are in various stages of readiness. Keep an eye on the website (www.ipic.ca) to see what's newly posted. The items below are listed separately to keep them clear. We need to hear from you, the members. **Send your comments or questions to college@ipic.ca by September 26.**

The draft legislation—has been on the website for a while now. We've received comments, but we've extended the deadline. If you find an error, a caveat, an omission, let us know.

The Regulations and Bylaws—have been drafted in the form of an outline now available on the website. These documents will only be finalized after the Act is passed. At the 2003 Annual Meeting, members adopted a motion to incorporate the terms for the discipline process into the *Bylaws*. Those and the *Code of Ethics* (adapted from IPIC's) have now been written in the proper language for that purpose. Both documents will be part of the *Regulations* and *Bylaws* but will exist separately as well. The *Regulations* and *Bylaws* also include details on the qualifications to become an agent and what determines the transition from the current situation to the College for registered agents and current trainees.

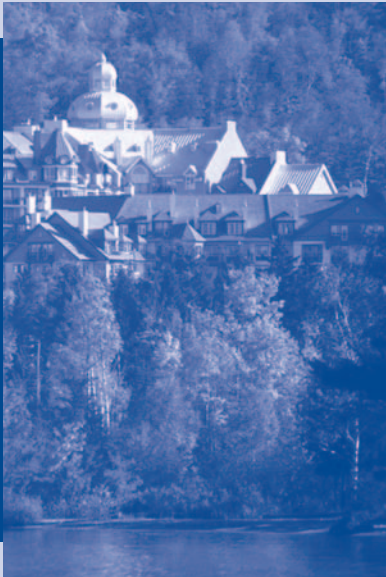
We also want your opinions on whether firms should be on the registers and the signature requirements before CIPO.

The organizational structure of the College is also available on the website and summarized in the diagram below.



“Real Time Dialogue about the College”

That’s the title of the Q&A session to be held in the afternoon of Friday, October 14, at the Annual Meeting in Mont Tremblant, Quebec. It’s another opportunity for you to voice your opinion, questions, comments, listen to those of others and meet the people working on the project. Plus, it’s another excellent reason for you to attend the Annual Meeting. What better way to experience Canada’s fall colours than in the Laurentians, at a fabulous four-season resort village and retreat!



From the Members...

This summer we’ve been asking for input on the draft legislation and many of you have replied. Here’s a sample of what you’ve said.

Is the Government of Canada (since the College will be created by federal statute) stepping on provincial toes by defining the College’s educational requirements? A professional regulatory body should be able to require that its members have a certain level of training, qualifications and continuing education. We intend to make sure that provincial jurisdiction is respected, as will the Department of Justice when it looks over the documents.

What about official languages under the College? The *Official Languages Act, 1969*, applies to all federal legislation so the College is automatically covered.

What if I have to resign temporarily from the College to raise my family or because of illness, for instance? Can I be reinstated? We are considering that, after a lengthy absence from the Register, applicants must meet some professional training requirement that may include an exam, depending on the circumstances. Because the College’s primary goal is to protect the public interest, we believe this will help make sure members are aware of developing law and practice in the field.

I Qualify, You Qualify, S/he Qualifies

Judging by the comments you’ve sent us on the structure of the College that we presented last year, the requirement for a degree raised the most questions. In the *Regulations* and *Bylaws*, we intended that patent agents have a university degree in science or engineering and that trade-mark agents have a university degree in any discipline.

It’s too elitist! you say. This requirement only affects those agents who don’t have a university degree and who are not presently practising. The grandfather clause takes care of current practitioners who don’t have a degree.

Having a university degree is no longer unusual or class-specific. By requiring a university degree, the College is simply attempting to ensure that prospective agents can fully meet the challenges and responsibilities of a modern practice in the context of a modern profession. More and more professional organizations require that their members have a university education.

Why should it be a requirement? you ask. A university education assists in training graduates to think critically, define problems and solve them logically. Clients expect agents to communicate using those criteria. Although the agent exams test legal knowledge and how that knowledge is put to work, they don’t test for communication or analytical skills. A university degree rounds out the qualifications that agents need to best meet the demands of their practice.

Why is the College raising the bar? you ask. The new system acknowledges that, as professionals, patent and trade-mark agents have responsibilities to the public. The combination of university degree, internship and exam is similar to requirements in jurisdictions such as Australia, Europe and the United States.